

Delivered Dec. 2nd 2011 via email to Mayor, Council members, City Manager, and Local Media.

TO THE GOVERNMENT OF THE MUNICIPAL {CORPORATION} OF THE CITY OF TUCSON IN RE: NOTICE OF EXPANSION AND DEMAND FOR CEASE OF UNCONSTITUTIONAL CONDUCT.

Pursuant to Art. 2 Sec 6 of the State Constitution and the 1<sup>st</sup> Amendment to the United States Constitution, Occupy Public Lands now gives notice that on December 3, 2011, at 12:00PM, the people will commence Occupation at De Anza Park, located on Stone Avenue and Speedway Boulevard.

Notice has been given of the unconstitutional actions of the government in the attempt to prevent the people from peaceably assembling in the public lands. We remind the officials of the Municipality that no public official can war with the Constitution of the United States without violating their oath to “uphold this Constitution”. US Const. Art IV., cl. 3; *Cooper v. Aaron*, 358 U.S. 1, 15 (1958). Occupy Public Lands remains committed to the contention that the public land is exactly that public; and that the Government cannot regulate the peaceful use of such lands without a compelling state interest. Thus far, no City official has advanced a justification to support a law that effectively sets a curfew on a litany of protected constitutional rights. Moreover, laws of this sort turn the Nation’s homeless into a sub-class citizenry whose very status is illegal, in violation of Due Process and Equal Protection. Whatever the purported reasoning of the City, governmental aims “cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution.” *Buchanan v. Warley*, 245 U.S. 60, 81 (1917).

Accordingly, we demand that the City immediately repeal any and all ordinances placing curfew upon the public land entrusted to its care by the Occupants of Tucson, and that it issue a formal written statement apologizing for the violation of thousands of people’s rights and acknowledging that public land is owned by the people—not the government. Occupy Public Lands is providing the City a reasonable timeframe for compliance, i.e. ten (10) business days. If the City is unwilling or fails to comply, we will seek a preliminary and permanent injunction, enjoining the further enforcement of all curfew and permit requirements that apply to the individual Occupants of Tucson. There can only be justice for one, when it is there for all.

Occupy Public Land